UNITED STATES PATENT AND TRADEMARK OFFICE

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/306,189	05/06/1999	MICHAEL RICHARD COOPER	AT9-98-920	3131

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EXAMINER
YUAN, ALMARI ROMERO

ART UNIT	PAPER NUMBER
2176	

DATE MAILED: 05/07/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

	Application No.	Applicant(s)
Office Action Summary	09/306,189	COOPER ET AL.
	Examiner	Art Unit
	Almari Yuan	2176

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE _3_ MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☒ Responsive to communication(s) filed on <u>09 February 2004</u>.

2a)☐ This action is **FINAL**.   2b)☒ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) <u>6-11,17-22 and 25</u> is/are pending in the application.

    4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5)☐ Claim(s) _____ is/are allowed.

6)☒ Claim(s) <u>6-11,17-22 and 25</u> is/are rejected.

7)☐ Claim(s) _____ is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☐ The specification is objected to by the Examiner.

10)☐ The drawing(s) filed on _____ is/are: a)☐ accepted or b)☐ objected to by the Examiner.

    Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

    Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11)☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12)☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

    a)☐ All   b)☐ Some * c)☐ None of:

      1.☐ Certified copies of the priority documents have been received.

      2.☐ Certified copies of the priority documents have been received in Application No. _____.

      3.☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

    * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1) ☒ Notice of References Cited (PTO-892)

2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)

3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
    Paper No(s)/Mail Date _____.

4) ☐ Interview Summary (PTO-413)
    Paper No(s)/Mail Date. _____.

5) ☐ Notice of Informal Patent Application (PTO-152)

6) ☐ Other: _____.

DETAILED ACTION

1. This action is responsive to communications: Appeal Brief filed on 2/09/04.

2. The rejection of claims 6-11, 17-22 and 25 under 35 U.S.C. 103(a) as being unpatentable over Meltzer been withdrawn in light of newly found art.

3. Claims 6-11, 17-22, and 25 are pending. Claims 1, 6, 17, and 26 are independent claims.

Response to Appeal Brief

4. Applicant's request for reconsideration of the finality of the rejection of the last Office action is persuasive and, therefore, the finality of that action is withdrawn.

Claim Rejections - 35 USC § 103

5. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

> (a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.

6. **Claims 6-11, 17-22, and 25 are rejected under 35 U.S.C. 103(a) as being unpatentable over Meltzer et al. (USPN 6,226,675 B1 – filed on: 10/1998) in view of Villacis et al., "A Web Interface to Parallel Program Source Code Archetypes", 1995, ACM, Inc., pages 1-16.**

Regarding independent claims 6, 17, and 25, Meltzer discloses:

A method, data processing system, and computer program product on a computer readable

medium of dynamically translating an application program into a markup language file,

comprising:

parsing a document type definition file for a markup language (Meltzer on col. 23, lines

38-60: teaches parsing a document to retrieve DTD (document type));

selecting an element defined in the document type definition file (Meltzer on col. 23,

lines 17-60: teaches element retrieved from XML DTD; on col. 25, line 52 – col. 26, line 9

teaches the JAVA to XML event generator receives the stream of events from the JAVA walker

and translates the selected ones to present a JAVA object as an XML document; on col. 30, lines

55-61: teaches JAVA beans correspond to the logical structures in the DTD for transforming

from XML to JAVA and from JAVA to XML) ; and

writing the selected element to a markup language file (Meltzer on col. 23, lines 38-60:

teaches producing an output by received XML element).

However, Meltzer does not explicitly disclose "executing an application program" and "a

routine called by the application program".

Villacis discloses the conversion of source codes or programs into WWW hypertext

documents. A special compiler is used to examine the source code and discover all subroutine

call sites (routines) to automatically build the hypertext links to the appropriate subroutine

definitions (see Abstract and see pages 4, 7-8, and 14).

It would have been obvious to a person of ordinary skill in the art at the time the

invention was made to have modified Villacis into Meltzer to provide a program contains

subroutine call sites for the conversion of programs into hypertext documents, as taught by

Villacia, incorporated into the conversion system of Meltzer, in order to help programmers turn

source code into hypertext documents in scalable parallel computer environment.

Regarding dependent claims 7 and 18, Meltzer discloses:

wherein the element comprises an attribute list corresponding to parameters for the

routine (Meltzer on col.76, lines 33-67: teaches elements and attributes).

Regarding dependent claims 8 and 19, Meltzer discloses:

wherein the selected element written to the markup language file comprises an attribute

list corresponding to values for the parameters passed to the routine (Meltzer on col.76, lines 33-

67: teaches attributes values).

Regarding dependent claims 9 and 20, Meltzer discloses:

wherein the application program is written in Java programming language (Meltzer on

col. 5, lines 1-19: teaches JAVA).

Regarding dependent claims 10 and 21, Meltzer discloses:

wherein the routine is an extended class method (Meltzer on col.76, lines 33-67: teaches

JAVA classes, methods).

Regarding dependent claims 11 and 22, Meltzer discloses:

wherein the routine is a Graphics class method (Meltzer on col. 76, lines 33-67: teaches

JAVA classes, methods).

Response to Arguments

7.   Applicant's arguments with respect to claims 6-11, 17-22, and 25 have been considered

but are moot in view of the new ground(s) of rejection.

Regarding Applicant's remarks on pages 4-7 and 9 from the Appeal Brief filed on

2/09/04:

Villacis does disclose "a routine is called by the application program" for dynamically

translating an application program into a markup language file, see Abstract and see pages 4, 7-8,

and 14 teaches the subroutine call sites (routines) within a program or source code is discovered

to automatically build hypertext links to the appropriate subroutine definitions, in other words,

the subroutine corresponds a hypertext link to allow the conversion from a program into a

hypertext document or a markup document such as HTML.

Conclusion

8.   Any inquiry concerning this communication or earlier communications from the examiner should be directed to Almari Yuan whose telephone number is 703-305-5945. The examiner can normally be reached on Mondays - Fridays (8:30am - 5:00pm).

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Joseph Feild, can be reached on 703-305-9792. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see http://pair-direct.uspto.gov. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

AY
May 2, 2004

JOSEPH FEILD
SUPERVISORY PATENT EXAMINER